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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,981	01/13/2006	Cynthia C. Bamdad	13150-70090US	4121

Jhk Law  
P.o. box 1078  
La Canada, 91012-1078  
CANADA

7590

08/18/2009

EXAMINER
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MCDOWELL, BRIAN E

ART UNIT	PAPER NUMBER
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1624

MAIL DATE	DELIVERY MODE
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08/18/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/564,981	<b>Applicant(s)</b> BAMDAD, CYNTHIA C.	
	<b>Examiner</b> BRIAN MCDOWELL	<b>Art Unit</b> 1624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 1-16 and 23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

/BEM/

## **DETAILED ACTION**

### ***Status of Claims***

Claims 1-23 are pending in the instant application. Claims 1-16 and 23 are withdrawn.

### ***Status of Specification***

**The objection of the specification is maintained.**

Applicant's have not responded to the objection to the specification, see Remarks, filed 6/5/2009, with respect to the Non-Final Office Action mailed 11/25/2008. The objection is maintained for the reasons of record.

### ***Status of Claim Objections***

Applicant's amendment of claims 17-22, see Remarks, filed 6/5/2009, with respect to the Non-Final Office Action mailed 11/25/2008, has been fully considered and the objection has been overcome.

### ***Status of Rejections***

#### ***35 USC § 112 (2<sup>nd</sup> Paragraph)***

**The 112 2<sup>nd</sup> rejection of claims 17-22 is maintained.**

Applicant's amendment of claim 17 (in reference to the indefiniteness rejection of claims 17-22 regarding the term "metal chelator group"), see Remarks, filed 6/5/2009, with respect to the Non-Final Office Action mailed 11/25/2008, has been fully considered but are not found persuasive. Claim 17 now recites "treating a patient with a compound comprising a MUC1 Growth Factor Receptor (MGFR) binding region and chelates metal". The aforementioned amendment does not rectify the problem

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associated with the prior language “metal chelator group”. The examiner does not know what other additional chemical/physical properties are associated with applicant’s claimed compound other than that it comprises a MGFR binding region. No structure function relationship regarding a chemical core has been establish

***35 USC § 102***

**The 102 rejection of claims 17-22 is maintained.**

Applicant’s response, see Remarks, filed 6/5/2009, with respect to the Non-Final Office Action mailed 11/25/2008, has been noted. Thus, the rejection is maintained.

***35 USC § 112 (1<sup>st</sup> Paragraph)***

**The 112 1<sup>st</sup> rejection of claims 17-22 is maintained.**

Applicant’s amendment of claim 17, see Remarks, filed 6/5/2009, with respect to the Non-Final Office Action mailed 11/25/2008, has been fully considered but not found persuasive. The claims are still drawn to methods of “preventing” various cancers. As stated in the previous office action, applicant is not enabled for the “prevention” of any forms of cancer. Thus, the rejection is maintained.

***Conclusion***

No claims are allowed.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN MCDOWELL whose telephone number is (571)270-5755. The examiner can normally be reached on Monday-Thursday 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. James O. Wilson can be reached 571-272-0661. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/B.E.M./  
Patent Examiner, Art Unit 1624

**/James O. Wilson/  
Supervisory Patent Examiner, AU 1624**